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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/802,026

03/08/2001

Robert R. Champion

1912-001

4695

9629 7590 05/23/2007
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EXAMINER

LIVERSEDGE, JENNIFER L

ART UNIT

PAPER NUMBER

3692

MAIL DATE

DELIVERY MODE

05/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/802,026

Applicant(s)

CHAMPION ET AL.

Examiner

Jennifer Liversedge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 6-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 09/802,026 filed on February 28, 2007.

The amendment contains original claims: 8 and 13-14.

The amendment contains amended claims: 1 and 6-7.

The amendment contains previously presented claims: 9-12 and 15.

Claims 2-5 have been canceled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 9-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub No. US 2001/0042036 A1 to Sanders (further referred to as Sanders).

Regarding claim 1, Sanders discloses a computerized method (page 2, paragraph 23; page 9, paragraph 85) comprising the steps of:

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associating each of one or more investment identifiers (page 1, paragraph 2; page 2, paragraph 23-24; page 3, paragraph 28 where individual contracts are established and directly correlated to the account opener) with an investment amount (page 2, paragraph 25; page 4, paragraph 48; page 7, paragraph 64; page 14, paragraph 120) and one or more asset category identifiers (page 1, paragraph 16; page 2, paragraph 23; page 7, paragraph 68; page 10, paragraph 93; page 14, paragraph 118); and

associating each of the one or more asset category identifiers with (a) a corresponding allocation parameter (page 1, paragraphs 2 and 16; page 4, paragraph 48; page 7, paragraphs 64 and 68; page 14, paragraph 120), and (b) a corresponding response parameter (page 1, paragraphs 1 and 16; page 2, paragraph 25; page 4, paragraphs 46 and 48; page 9, paragraph 84; page 11, paragraph 96);

receiving at least one input enabling a determination of the investment identifier (page 3, paragraphs 28 and 41);

receiving at least one input of (a) the investment amount (page 2, paragraph 25; page 4, paragraph 48; page 7, paragraph 64; page 14, paragraph 120); (b) the one or more asset category identifiers (page 1, paragraph 16; page 2, paragraph 23; page 7, paragraph 68; page 10, paragraph 93; page 14, paragraph 118); (c) the allocation parameter to be associated with each of the one or more asset category identifiers (page 1, paragraphs 2 and 16; page 4, paragraph 48; page 7, paragraphs 64 and 68; page 14, paragraph 120); and (d) the response parameter to be associated with each of the one or more asset category identifiers (page 1, paragraphs 1 and 16; page 2,

paragraph 25; page 4, paragraphs 46 and 48; page 9, paragraph 84; page 11, paragraph 96);

wherein each of the respective investment identifiers uniquely specifies a corresponding investment contract (page 1, paragraph 2; page 2, paragraph 23-24; page 3, paragraph 28 where individual contracts are established and directly correlated to the account opener);

wherein each of respective asset category identifiers uniquely specifies an investment asset category (page 1, paragraph 16; page 2, paragraph 23; page 7, paragraph 68; page 10, paragraph 93; page 14, paragraph 118);

wherein the allocation parameter specifies an allocation amount to be indexed to the corresponding asset category identifier (page 1, paragraphs 2 and 16; page 4, paragraph 48; page 7, paragraphs 64 and 68; page 14, paragraph 120); and

wherein the response parameter specifies a relationship between (i) the allocation amount, and (ii) subsequent price, percentage return, and/or relative valuation changes in, and/or net worth changes relating to, the corresponding investment asset category (page 1, paragraphs 1 and 16; page 2, paragraph 25; page 4, paragraphs 46 and 48; page 9, paragraph 84; page 11, paragraph 96); and

wherein receiving at least one input enabling a determination of the investment identifier comprises receiving one or more templates corresponding to a given investment identifier, each of respective templates setting forth a corresponding predefined allocation parameter and a corresponding predefined response parameter for each of one or more asset category identifiers (page 13, paragraph 114).

Regarding claim 9, Sanders discloses the method wherein each of the one or more corresponding electronic investment contracts is held by a corresponding investor (page 1, paragraph 2; page 2, paragraph 23-24; page 3, paragraph 28 where individual contracts are established and directly correlated to the account opener).

Regarding claim 10, Sanders discloses the method further including the step of determining an overall monetary value for one or more of said corresponding electronic investment contracts (page 8, paragraphs 78-79; page 9, paragraphs 84-85; page 13, paragraph 114).

Regarding claim 11, Sanders discloses the method wherein each corresponding electronic investment contract defines a financial relationship between said corresponding investor and a contract administrator such that, upon demand, the contract administrator shall convey monetary value of the contract to said investor (page 8, paragraphs 78-79; page 9, paragraphs 84-85; page 13, paragraph 114).

Regarding claim 12, Sanders discloses the method further including the step of calculating an aggregate position for an asset category by consolidating allocation parameters and response parameters associated with said asset category (page 8, paragraphs 78-79; page 9, paragraphs 84-85; page 13, paragraph 114).

Regarding claim 13, Sanders discloses the method further including the step of calculating aggregate positions for each of a plurality of asset categories (page 8, paragraphs 78-79; page 9, paragraphs 84-85; page 13, paragraph 114).

Regarding claim 14, Sanders discloses the method further including the step of using the calculated aggregate positions to automatically generate purchase and/or sale orders for any of (a) futures contracts, (b) swaps, (c) contracts for differences, (d) securities, and (e) other financial instruments (page 8, paragraphs 78-79; page 9, paragraphs 84-85; page 11, paragraph 96; page 13, paragraph 114).

Regarding claim 15, Sanders discloses the method further including the step of using the calculated aggregate positions to generate purchase and/or sales orders so as to enable the contract administrator to hedge the payment obligation (page 6, paragraph 60; page 11, paragraphs 96 and 98).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders as applied to claim 5 above, and further in view of US Patent No. 6,622,130 B1 to Shepherd (further referred to as Shepherd).

Regarding claim 6, Sanders does not disclose the computerized method further including the step of receiving a template selection, wherein the template selection uniquely specifies one of the received templates corresponding to the given investment identifier; and the template so selected is then applied to an electronic investment contract associated with the given investment identifier.

However, Shepherd discloses the computerized method further including the step of receiving a template selection, wherein the template selection uniquely specifies one of the received templates corresponding to the given investment identifier; and the template so selected is then applied to an electronic investment contract associated with the given investment identifier (column 2, lines 30-39; column 5, lines 40-47).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the electronic investment contract method as disclosed by Sanders to adapt the use of template selections as disclosed by Shepherd. The motivation would be to offer a variety of templates which could be used for different situations and circumstances based on investor profile and investment preferences and practices.

Regarding claim 7, Sanders does not disclose the computerized method further including the step of inputting a predefined condition to be associated with a specified one of the received templates, such that the specified one of the received templates is automatically applied to an electronic investment contract associated with the given investment identifier upon occurrence of the predefined condition.

However, Shepherd discloses the computerized method further including the step of inputting a predefined condition to be associated with a specified one of the received templates, such that the specified one of the received templates is automatically applied to an electronic investment contract associated with the given investment identifier upon occurrence of the predefined condition (column 2, lines 30-39; column 5, lines 40-47).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the electronic investment contract method as disclosed by Sanders to adapt the use of automatically applied templates as disclosed by Shepherd. The motivation would be to apply the appropriate templates for different situations and circumstances based on investor profile and investment preferences and practices.

Regarding claim 8, Sanders does not disclose the computerized method wherein the predefined condition is at least one of (a) an occurrence of: a specified price, percentage return, and/or relative valuation of, and/or change in net worth relating to, one or more investment asset categories; (b) an occurrence of a specified date and/or time; and (c) an occurrence of an event.

However, Shepherd discloses the computerized method wherein the predefined condition is at least one of (a) an occurrence of: a specified price, percentage return, and/or relative valuation of, and/or change in net worth relating to, one or more investment asset categories; (b) an occurrence of a specified date and/or time; and (c) an occurrence of an event (column 2, lines 30-39; column 5, lines 40-47).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the electronic investment contract method as disclosed by Sanders to adapt the use of template selection based on event occurrence as disclosed by Shepherd. The motivation would be to apply the appropriate templates for different events, situations and circumstances based on investor profile and investment preferences and practices.

Response to Arguments

Applicant's arguments filed February 28, 2007 have been fully considered but they are not persuasive.

Applicant argues that the template disclosed by Sanders is an HTML template and has no relation to the template with specifications of asset identifiers and allocation

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and response parameters as claimed in the present application. Examiner respectfully disagrees. Sanders discloses where an HTML template is used to facilitate the offering of products. Sanders discloses investment identifiers and the investment amount, asset category identifiers, allocation parameters and response parameter (as detailed in the claim 1 rejection, previously claim 3) and using the template as disclosed on page 13, paragraph 114 is a means by which information is exchanged with investors, such that available products can be reviewed. The use of templates for conveying information and sharing information between parties in a standard format is old and well known, whatever information may be contained therein. In this case, Sanders is using a template to convey product offerings as part of the customizable investment contract method and system.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached at 571-272-6779. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

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A handwritten signature in black ink, appearing to read "A. Fischer 5/18/07".

ANDREW J. FISCHER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600